

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

**MERVIN B. STURGEON,
on behalf of himself and other similarly situated,**

Plaintiffs,

v.

Civil Action No. 5:20-cv-192

**CITY MANAGER ROBERT HERRON,
individually and in his official capacity,
THE CITY OF WHEELING, and its division,
THE WHEELING POLICE DEPARTMENT,
And the WEST VIRGINIA DIVISON OF
HIGHWAYS, an agency of the
WEST VIRGINIA DEPARTMENT OF
TRANSPORTATION**

Defendants.

NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff Mervin Sturgeon, by and through undersigned counsel, hereby gives notice of voluntary dismissal against all Defendants of the above-styled action without prejudice.

Respectfully submitted,

by Counsel,

/s/ Loree Stark

Loree Stark
West Virginia Bar No. 12936
ACLU of West Virginia Foundation
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/s/ Patrick S. Cassidy

Patrick S. Cassidy, WV State Bar No. 671
Timothy F. Cogan, WV State Bar No. 764
Cassidy, Cogan, Shapell and Voegelin, LC,
The First State Capitol,
1413 Eoff Street,
Wheeling, West Virginia, 26003

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CERTIFICATE OF SERVICE

I, Loree Stark, do hereby certify that on this 18th day of November, 2020, I electronically filed a true and exact copy of *Notice of Voluntary Dismissal Without Prejudice* with the Clerk of Court using the CM/ECF System.

/s/ Loree Stark
West Virginia Bar No. 12936